

**GOA STATE INFORMATION COMMISSION**

'Kamat Towers' Seventh Floor, Patto, Panaji – Goa

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**Shri Prashant S.P. Tendolkar, State Chief  
Information Commissioner,**

**Appeal No.49/SCIC/2016**

Smt. Urmila Ulhas Mainikar,  
B-14/1, Police Quarters,  
Alto Provorim –Goa.

..... Appellant

**V/s**

- 1) The First Appellate Authority,  
The Additional Collector,  
Collector North,  
Panaji –Goa.
- 2) The Public Information Officer,  
The Dy. Collector & SDM,  
Pernem Sub Div,  
Pernem-Goa.

..... Respondents.

Filed on: 16/03/2016

Disposed on: 21/02/2017

**1) FACTS:**

- a) The appellant herein by her application, dated 01/09/2015 filed u/6(1) of the Right to Information Act 2005(Act) sought certain information from the Respondent No.1, PIO under eight points therein.
- b) The said application was replied by PIO on 30/09/2015 informing appellant to collect the information at points (7) and (8) on payment of fees. Information at point (1) to (6) being voluminous, the appellant was directed to inspect the records and take copies. However according to appellant the information as sought was not furnished and hence the appellant filed first appeal to the respondent No.2, on 20/11/2015.

...2/-

- c) The First Appellate Authority (FAA) by order, dated 28/12/2015 allowed the said appeal and directed PIO to furnish the information.
- d) As no information is still furnished the appellant has landed before this Commission in this second appeal u/s 19(3) of the act.
- e) Notices were issued to the parties, pursuant to which they appeared. The PIO on 11/08/2016 had filed a reply to the appeal inter alia submitting that information is furnished.
- f) According to PIO, 556 copies of information were kept ready and same was collected by appellant on 08/02/2016. Thereafter 320 copies were handed over on 03/02/2016 and balance copies were handed over on 15/07/2016. Thus according to PIO the total 990 pages of information has been furnished.
- g) The appellant files rejoinder. Without disputing that the information runs in 990 pages she submitted that the information as furnished is not proper and correct and hence prayed for penalty.

2) FINDINGS:

- a) On going through the records it is found that by its reply dated 30/09/2015 the PIO has offered the information at point (7) and (8) and pertaining to the information at points (1) to (6), the appellant was directed to inspect the records and take the copies. The reason given for inspection was that the information at points 1 to 6 is voluminous. It is further seen that the appellant by letter, dated 20/10/2015 has sought to know regarding the cost of said voluminous information and the PIO has replied again to come and inspect the records. It is the grievance of the appellant that inspite of the existence of the information the same was not furnished to him.
- b) Section 7(9) of the Act reads:

" (9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resource of the public authority or would be detrimental to the safety or preservation of the record in question."

- c) Thus in addition to the restriction contained in section (8) and (9) of the Act, the law also restricts dispensation of voluminous information so that the Public resources are not diverted. It is in this circumstance I find no irregularity on the part of the PIO in calling for inspection and collect the copies thereafter. By this exercise the PIO wanted to know the precise requirement of the appellant after the same is pointed out by inspecting. I find no malafides on the part of PIO in his such gesture.
- d) While dealing with such causes the Hon'ble Supreme Court in the case of:

**Central Board of Secondary Education & another V/s Aditya Bandopadhyay** (Civil Appeal no.6454 of 2011) has observed :

"-----The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties."

- e) In the order, dated 28/12/2005, FAA has held that by calling the seeker for inspection of the records itself means the existence of the information and that it should have been furnished within 30 days. I am unable to concur with the said observation of the First Appellate Authority(FAA). The Act no where envisages a mandate

on PIO to scrutinize and collate the information and thereafter provide it to the seeker. The act also does not envisage information. The seeker is expected to be precise in his application so that the PIO can dispense the same with minimum time and resources.

- f) In any case, by its letter dated 04/12/2015 the PIO has directed the appellant to pay Rs. 1980/- as the cost of information. This appears as an exercise undertaken by the PIO in view of the failure of the appellant to inspect the record. But before said date first appeal was filed.
- g) During the hearing when the appellant was asked whether he has inspected the records at anytime, he submitted that no inspection was done by him and the reason given by him was that the records are voluminous. In other words the appellant admits that information is voluminous but has a blame against the PIO for not collating the information for being furnished to him. The appellant has also not effected any payments pertaining to the said information.
- h) In the course of these proceedings, information was given to the appellant and there are no records of appellant having effected payment of the cost of such information. I find no reason to intervene as far as the furnishing of the information.
- i) In the circumstances nothing survive in the present appeal. However, considering the fact that information sought is voluminous and requires scrutiny so that the required one is dispensed, the appellant shall be entitled to seek further information if required as per the provisions of the Act.
- j) Before I part with the order, it is required to be mentioned that the

act no where provides for finishing of the information free of cost unless the application for information under section 6(1) is either rejected or deemed as refused resulting in first appeal. If the information as is sought by the seeker is granted free of cost it may result in drain of public funds hence it is necessary that the PIO's should take care that the application are dealt with appropriately adhering to time limit as provided under the act. In the present case though the appellant was not entitled to waiver of the fees, the same is granted to him.

In the aforesaid circumstance I proceed to dispose the present appeal with the following:

**O R D E R**

As the information is furnished, no intervention of the Commission is required. However, the appellant shall be entitled to seek further information by specifically referring to the records of the public authority pertaining to which the information is sought, so that the same is dispensed within minimum time and expenses.

Appeal disposed off accordingly.

Notify the parties.

Pronounced in the open proceedings.

Sd/-

**(Mr. Prashant S. Prabhu Tendolkar)**  
State Chief Information Commissioner  
Goa State Information Commission  
Panaji-Goa